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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/821,332	03/29/2001	Bernd Hessing	1554	5352

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STRIKER, STRIKER & STENBY
103 East Neck Road
Huntington, NY 11743

EXAMINER

TWEEL JR, JOHN ALEXANDER

ART UNIT	PAPER NUMBER
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2636

DATE MAILED: 12/11/2003

9

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/821,332

Applicant(s)

HESSING ET AL.

Examiner

John A. Tweel, Jr.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 September 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 March 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

1. This Office action is in response to the amendment filed 9/9/03. Claims 1-3 have been amended.

2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

3. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the transmitter- and receiver- side location data banks must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

4. Claims 1-3, 7, and 8 remain rejected under 35 U.S.C. 102(e) as being anticipated by **Myr** [U.S. 6,480,783].

For claim 1, the method of transmitting a position of a traffic obstruction taught by **Myr** uses digital coding performed by both the Central Traffic Unit CTU and the client vehicles CMUs, both having data banks with map databases. The CTU codes a rough position of an obstruction using entrance and exit times for a section part of a roadway

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such as R7 or R8 seen in Figure 21 that starts at a coded location and is between said coded location and the location of the client vehicle.

For claim 2, the section part transmitted by **Myr** is between a coded location and another location on the traffic way which is spaced from the coded location by a certain distance, as seen in Figures 18, 21, and 22.

For claim 3, the section part transmitted by **Myr** consists of a starting coded location and another location or node immediately adjoining the coded location.

For claim 7, each section part transmitted by **Myr** includes a position of a beginning of a traffic obstruction and an end of the traffic obstruction based on the length of each segment in the map database.

For claim 8, both the transmitter and receiver contain map databases for the continual updates of road networks and traffic obstructions.

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 4-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Myr** in view of European standard ENV 12313-1.

For claims 4 and 5, the method taught by **Myr** includes the claimed subject matter as discussed in the rejection of claim 1 above; however, there is no mention of ALERT-C protocol with coding of the section part in Label 15 or Label 12.

The European standard ENV 12313-1 details the alert-C protocol in which traffic messages are formed which is then broadcast between vehicles. This is plain evidence of a common and well-known method to broadcast messages such as those found in Myr. It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the alert-C protocol using label 12 or Label 15 coding for the purpose of using a common and well known transmitting protocol that is accepted throughout a major part of the world.

For claim 6, each section part transmitted by **Myr** includes a position of a beginning of a traffic obstruction and an end of the traffic obstruction based on the length of each segment in the map database; however, there is no mention of transmitting the section part via Label 2.

The claim is interpreted and rejected for the same reasons and rationale as is mentioned in the rejection of claims 4 and 5 above.

Response to Arguments

Argument 1:

"The traffic informations [sic] in the present invention is traffic obstruction informations. This traffic obstruction informations in form [sic] of the TMC (Traffic Message Channel) System includes so-called "location codes" which characterize the marked points in the traffic way network. They include in particular entrances and exits of highways, roadway triangles and intersections, resting places, etc. This location coding makes possible a localization of a traffic obstacle to a section part provided by

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two neighboring "locations", which is the exact location of the traffic obstacle, but is not passable in this way."

Argument 2:

"The patent to Myr does not have any suggestion, in addition to a "location code" of a section part corresponding to a vehicle obstacle, to transmit the section part between the actual location of the traffic obstacle and the location referenced by the "location code".

Applicant's arguments filed 9/9/03 have been fully considered but they are not persuasive.

Response to Argument 1:

The claims are too broad and vague as currently written to delineate over the applied prior art. To simply say that the section parts are transmitted between a "position" and "location" is not specific enough and can be applied to a variety of meanings and interpretations. Moreover, a broad interpretation of the claim is similar to that which is described in **Myr**; that is, transmitting a section part of the traffic way by referencing the traffic way and at least one "location" in the data bank. As described in the rejection above, the section parts of the roadway seen in Figures 21 and 22 are sections between many various and sundry "locations" and "positions".

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As for the type of information broadcast, to describe the messages in "digital code" presently describes the action and protocol of every computer system and network operating in the world.

Response to Argument 2:

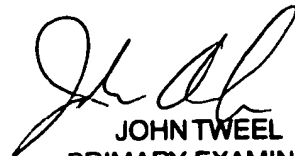
As mentioned above, the term "location code" is still too broad a term to merit patentability as the locations of **Myr** are transmitted in some form of code, as this is how computers normally operate.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John A. Tweel, Jr. whose telephone number is 703 308 7826. The examiner can normally be reached on M-F 10-6:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeff Hofsass can be reached on 703 305 4717. The fax phone number for the organization where this application or proceeding is assigned is 703 872 9314.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703 305 3900.

JAT
12/10/03


JOHN TWEEL
PRIMARY EXAMINER